

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

ditech, LLC

Debtor.

**AFFIDAVIT IN SUPPORT OF
REQUEST FOR RELIEF**

Chapter 11
Case No. 12-12021-mg
HON. MARTIN GLENN

Richard Panaro, being duly sworn deposes and says:

1. I am a Bankruptcy Specialist with First Niagara Bank, N.A. successor by merger to New Alliance Bank (hereinafter "FNB") a secured creditor in the above-captioned matter.
2. On June 30, 2005, Joseph DeSisto and Feilomena DeSisto (hereinafter "Borrowers") borrowed \$199,900.00 from New Alliance Bank. The indebtedness was evidenced by a note, which was secured by a mortgage on the real property commonly known as 234 Milton Avenue, West Haven, CT 06516. First Niagara Bank, N.A. is successor by merger to New Alliance Bank.
3. On May 14, 2012, Debtor filed for bankruptcy protection. Therefore in accordance with 11 U.S.C. §362 FNB's foreclosure action was stayed.
4. A subordinate mortgage is held by GMAC Mortgage Corporatin d/b/a ditech.com (hereinafter "Debtor").
5. The Borrowers are in default under the terms of the note and mortgage.
6. In order to proceed with a foreclousre action, FNB must name all subordinate

lien holders, including the Debtor, in the foreclosure action.

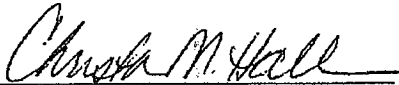
7. By reason of the bankruptcy filing by the Debtor, FNB is stayed from proceeding with the foreclosure.

WHEREFORE, FNB respectfully requests that an order be entered granting relief from the automatic stay to allow FNB to proceed with its foreclosure action against the real property.



Richard Panaro

Sworn to before me on the
17th day of December 2012



Notary Public

Christa M Hall
01HA6075425
Notary Public, State of New York
Qualified in Niagara County
My commission expires JUNE 10th, 2014